

DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
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ARLINGTON, VA 22202-3231


NGB-ARH

19 JAN 2005

MEMORANDUM FOR MILPO's

SUBJECT: Clarification for Separating Soldiers with Disabilities (NGB-ARH memo # 04-0049)

1. Reference Section 12731b of Title 10 United States Code
2. States are reminded that Soldiers with disabilities incurred in the line of duty are to be processed through the Physical Disability System (PDS). Upon disposition of their case, Soldiers who are directed to be separated with less than 30% disability are to be paid whatever severance pay they are directed to receive by the PDS system and separated. Soldiers in this category are not eligible for transfer to the Retired Reserve unless they have 20 qualifying years of service. If retirement eligible, the Soldier must make a choice between receiving the disability severance pay or transfer to the Retired Reserve. However, Soldiers are not eligible to be transferred to the Retired Reserve under this provision if the disability was the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary of the Army or if the disability was incurred during a period of unauthorized absence.
3. The reference in paragraph one authorizes Soldiers to be transferred to the Retired Reserve only if they have at least 15 years but less than 20 years of qualifying service for retirement and are determined to be unfit as a result of a not in the line of duty, not service connected or service aggravated medical condition.
4. Point of contact for this action is LTC Lemuel Clement, Chief, Personnel Regulation Branch, NGB-ARH, DSN 327-3400 or 703-607-3400.


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